

EXIDE[®] CORPORATION

ARI D. LEVINE
Assistant General Counsel &
Director, Regulatory Affairs
(610) 378-0852
Fax (610) 371-0463

October 30, 1998

**BY FAX (404-562-9486)
AND BY OVERNIGHT MAIL**

Ruben Bussey, Esquire
Assistant Regional Counsel
U. S. Environmental Protection Agency
61 Forsyth Street
Atlanta, GA 30303

Re: Westgate Trailer Park Site
Greer, South Carolina

Dear Mr. Bussey:

Thank you for taking the time to discuss the above site with me the other day. Based upon our conversation, I understand that EPA has deferred control of the above site to the South Carolina Department of Health and Environmental Control ("DHEC"), although Mr. Howard was to give you final confirmation of that fact.

After our conversation, I reviewed my file in this matter and found the statements made in DHEC's letter of August 31, 1998 (copy enclosed) particularly troubling. In particular, please allow me to draw your attention to the statements made on the second page of that letter:

[B]oth the Department and EPA are concerned on [sic] the potential precedent which the removal at Westgate may set. In a lead from EPA Region 4, the Department has adopted a residential level of 400 ppm

* * * * *

EPA has therefore conveyed to the Department that if Exide is unwilling to proceed with a removal of lead contaminated soils at Westgate to a level of 400 ppm, they [EPA] will proceed with the response actions themselves.

645 Penn Street Reading, PA 19601
P.O. Box 14205 Reading, PA 19612-4205
610/378-0500
www.exideworld.com/power



10664569

See Letter from Mr. R. Scott Wilson, Project Manager, DHEC, to Mr. Neal Lebo, Exide Corporation, dated August 31, 1998, Page 2 (emphasis supplied).

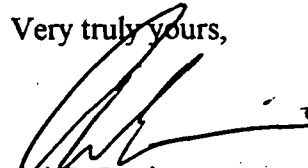
It thus seems that DHEC believes that EPA Region IV has established a residential cleanup level for lead of 400 ppm. We do not know of any such action by EPA. Of course, any such action would be wholly inconsistent with EPA's June 3, 1998 proposal to establish a 400 ppm "level of concern", with no removal required (except in certain specific instances) unless average soil lead levels exceeded the "hazard standard" of 2,000 ppm. See 63 *Fed. Reg.* 30,302 (June 3, 1998). Interestingly, EPA's proposal anticipated that the public and some regulators might interpret the 400 ppm standard as a cleanup level. EPA insisted "that there is no basis for this concern", noting that current OSWER guidance establishes a similar 400 ppm screening level, "yet there is no evidence that the public thinks that abatement is the recommended action at 400 ppm, the lower level in the guidance." See 63 *Fed. Reg.* at 30,338 (June 3, 1998). We fear that DHEC may be suffering from precisely that illusion.

Based upon the foregoing, we assume that DHEC is in error, that EPA has not established a residential standard of 400 ppm. We also assume that EPA does not intend to perform a cleanup at Westgate. We would appreciate it if you could confirm this at your earliest convenience.

Please understand that we do not question DHEC's right to establish more stringent standards, both under state and federal law. Rather, we merely wish to confirm our understanding that any such effort was not undertaken at EPA's direction.

I look forward to resolving this matter, and thank you for your attention to this matter.

Very truly yours,



Ari D. Levine

cc: Mr. R. Scott Wilson (DHEC)
Mr. Neal S. Lebo (Exide)



2600 Bull Street
Columbia, SC 29201-1708

CERTIFIED MAIL

COMMISSIONER:
Douglas E. Bryant

BOARD:
John H. Burris
Chairman

William M. Hull, Jr., MD
Vice Chairman

Roger Leaks, Jr.
Secretary

Mark B. Kent

Cyndi C. Mosteller

Brian K. Smith

Rodney L. Grandy

August 31, 1998

Mr. Neil S. Lebo
Exide Corporation
P.O. Box 14205
Reading, PA 19612-4205

RE: Westgate Trailer Park Response Action
Greenville County, South Carolina

Dear Mr. Lebo:

On July 28, 1998 the South Carolina Department of Health and Environmental Control (Department) received a report on Exide's behalf from Advanced Geoservices Corp. (AGC) regarding lead modeling at the Westgate Trailer Park (Westgate). The Department completed its review of the modeling on August 13, 1998 and forwarded the report to the EPA Region 4 office for their review. The EPA screening of the report was completed on August 26, 1998 and a subsequent conference call between the Department and EPA yielded several issues regarding the proposed removal level of lead at Westgate. These issues include a perceived discrepancy with the modeling itself, as well as concerns which exist on a programmatic level.

In regards to the IEUBK model conducted by AGC using site specific data for Westgate which had been previously gathered by the Department, the majority of the report was acceptable. However, the parameter input value for lead in soil and dust did trigger some concern from both Departmental and EPA risk assessors who reviewed the report. It was their opinion that no correlation between Westgate and the other two referenced sites which AGC had worked on existed. Therefore, the default ratio of 0.70 for indoor dust levels based on outdoor concentrations should have been used instead of the 0.25 value used in the report. Use of the default value would have resulted in a target lead soil value of approximately 370 ppm instead of the 520 ppm value generated in the report.

Copy - P. Stratman, AGC
C. Hower, Exide

In addition to the above mentioned discrepancy in the modeling, both the Department and EPA are concerned on the potential precedent which the removal at Westgate may set. In a lead from EPA Region 4, the Department has adopted a residential level of 400 ppm for response actions to lead contaminated soils at state sites. If sufficient site-specific lead data does not exist to support an alternative removal level, then 400 ppm will be the default value. EPA has therefore conveyed to the Department that if Exide is unwilling to proceed with a removal of lead contaminated soils at Westgate to a level of 400 ppm, they will proceed with the response action themselves.

The Department is therefore requesting that a revised workplan be submitted within twenty days of the receipt of this letter. This workplan need not be as detailed and comprehensive as the plan submitted in July 1997, but should include mapped area of removal, a confirmatory sampling plan, the name of the contractor and sub-contractors who will carry out the work, and a schedule of implementation. If you feel there is a need for additional discussion on this matter, EPA has agreed to participate in an in-person meeting if one can be scheduled in a reasonable time frame. If the Department does not hear from you within several days of receiving this letter, we will assume you are proceeding with the workplan and implementation of the response action and that no meeting is necessary.

If you have any questions or concerns on this matter, please contact me at (803) 896-4077.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott Wilson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. Scott Wilson, Project Manager
Division of Site Assessment and Remediation
Bureau of Land and Waste Management

cc: Ralph Howard, EPA Region 4
R. Gary Stewart, BLWM
Charles Bristow, AppII District Office